

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Claus Harder et al.	Confirmation No.:	6020
Appln. No.:	10/597,099	Group Art Unit:	3767
Filed:	April 9, 2008	Examiner:	Shefali Dilip Patel
Title:	IMPLANT FOR RELEASING AN ACTIVE SUBSTANCE INTO A VESSEL THROUGH WHICH A BODY MEDIUM FLOWS	Atty. Docket No.:	149459-110072
		Customer No.:	25207
		Submitted:	November 22, 2010

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE AFTER FINAL

Sir:

In response to the final Office Action of August 27, 2010, please amend the above-identified application as follows:

Status is on page 2.

Summary of USPTO Fees begins on page 3 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Remarks/Arguments/Conclusion begin on page 7 of this paper.

STATUS OF APPLICATION PRIOR TO AMENDMENT

The above-captioned patent application is pending.

Claims 1-9 and 11-13 were pending in the application.

Claim 1 is rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement.

Claim 1 is rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Claims 1, 9 and 11 are rejected under 35 USC 102(b) as being anticipated by Sirhan et al. (U.S. Patent Publication No. 2003/0139801).

Claims 12 and 13 are rejected under 35 USC 102(b) as being anticipated by Ragheb et al. (U.S. Patent No. 5,824,049).

Claims 2-8 are rejected under 35 USC 103(a) as being unpatentable over Sirhan et al. (U.S. Patent Publication No. 2003/0139801) and further in view of Meyer-Lindenberg et al. (International Patent Publication No. WO 2002/100452).

SUMMARY OF USPTO FEES ENCLOSED HEREWITH

Excess Claims Fees

Applicant had previously paid fees sufficient to cover 20 total claims and 3 independent claims. As a result of the Amendment and Response filed herewith, the application currently has 11 total claims and 2 independent claims. Consequently, no excess claims fees are due.

It is believed these fees are correct; however, the Commissioner for Patents is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-4913.